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RE/MAX Eastside Brokers, Inc.

Each RE/MAX® office is independently owned and operated.

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To: General Counsel & Dir., HR Dept / CA HQ, ZipRealty Dated: 07/21/05
Phone: 1-510-735-2805 FAX: 1-866-273-1870 (dmorgan@ziprealty.com)
RE: Past Realtor® Employment and Over \$9K in Unpaid Commissions*

As a WA licensed Realtor® that had worked for you for 10 months, until the end of last month, I was never paid a salary or for my past expenses. I was only paid a future 40% of net LOC or SOC commissions after ZipRealty had been paid for my closed seller listing sales and buyer purchases. Your total non-payment for my own client's still Pending transactions that were already in escrow at the time of my employment termination, under the terms of your employment agreement (that I signed when ZipRealty was still a privately owned real estate brokerage and not yet on the stock exchange as a publicly traded company) is not only unfair, but may be unenforceable and unconscionable terms of my employment. I am still working as a WA licensed Realtor® at RE/MAX Eastside Brokers, Inc. and I was the appointed agent on these signed Listing or Buyer Agreements.

Under "quantum meruit", for performed Realtor® services and ethics & fairness, I still expect for you to pay me my portion of your commissions for my referred pending client closings that were not even ZipRealty referred new clients to me. If not, I will need to pursue all of my legal remedies and arbitration, and I will also need to send copies of this letter regarding this situation & your unfair Realtor® employment and payment practices to all related Real Estate licensing agencies, the NWMLS & SKCAR & WAR & NAR, the State Better Business Bureaus, the SEC, the FTC, and the State Labor & Employment Relations Departments.

I hope that this can be resolved without my further arbitration or legal actions, and I still expect to be sent my commission on these now closed or paid sales.

Sincerely,

David J. Lubocki, MS, JD, Realtor® Licensed in WA

* RE: Trotsky (\$740K sale); Le (\$374K purchase); & Morris (\$302K purchase).